

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY  
AVERAGE WHOLESAL PRICE  
LITIGATION

) MDL No. 1456

) Master File No. 1:01-CV-12257-PBS

) Sub-Category Case No. 1:08-CV-11200

) Judge Patti B. Saris

THIS DOCUMENT RELATES TO:  
*United States ex rel. Linnette Sun and Greg  
Hamilton, Relators*  
v.  
*Baxter Healthcare Corporation*

**PROPOSED SCHEDULING ORDER**

October 28, 2010

Saris, U.S.D.J.

WHEREAS, Relators Linnette Sun and Greg Hamilton ("Relators") filed their original Complaint on April 22, 2005 and a First Amended Complaint on June 14, 2005 in the U.S. District Court, District of Colorado;

WHEREAS, the First Amended Complaint was unsealed on January 15, 2008, and assigned Civil Action No. 05-cv-00736-WDM-MJW;

WHEREAS, the matter was transferred to the District of Massachusetts by the Judicial Panel Multidistrict Litigation on July 14, 2008 and assigned case No. 08-cv-11200-PBS;

WHEREAS, the case was consolidated with Case No. 01-cv-12257-PBS (MDL No. 1456) on July 15, 2008;

WHEREAS, counsel for the Relators and counsel for Defendant have begun to discuss the possibility of a resolution of this matter without the need for further litigation;

WHEREAS, on September 29, 2010, this Court approved a proposed scheduling order whereby the parties were to engage in formal mediation prior to October 29, 2010 in an attempt

to resolve this matter and, if not successful, were to file with this Court by no later than November 15, 2010, a joint proposed schedule for further proceedings;

WHEREAS, the parties have made some progress toward resolution of this matter and would like to continue to pursue informal resolution at this time;

NOW THEREFORE, it is ORDERED, as follows:

1. Relators and Defendant shall continue to engage in informal mediation prior to December 31, 2010 in an attempt to resolve this matter;
2. All deadlines shall be stayed during the pendency of this mediation period.
3. Should mediation not be successful, the parties will, by no later than January 17, 2011, jointly propose a schedule to the Court for further proceedings.

So ordered.

A handwritten signature in black ink, appearing to read "Patti B. Saris", is written over a horizontal line.

Judge Patti B. Saris